



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Motion Signature

File Number: 20141100

V2014-48 Marietta High School 121 Winn Street

V2014-48 [VARIANCE] MARIETTA HIGH SCHOOL requests variances for property located in Land Lot 12200, District 16, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia and being known as 121 Winn Street, currently zoned R-4 (Single Family Residential 4 units/acre). Variance to eliminate the planted border strip along Cleburne Avenue; variance to reduce the planted border strip along Polk Street, as shown on the attached plans with the submittal date of September 15, 2014. Ward 3A.

Date December 10, 2014

R. Steve Tumlin, Jr., Mayor

Stephanie Guy, City Clerk



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, AICP, Director

APPLICATION FOR VARIANCE OR APPEAL

(Owner/Applicant/or Representative must be present at all public hearings)

Application #: _____ Hearing: _____ Legistar # _____

This is a variance/appeal application for:

☐

Board of Zoning Appeals

☒

City Council

Owner's Name Marietta City Schools

Address 250 Howard Street

Zip Code: 30060

Telephone Number: 770-422-3500

Email Address: dsmith@marietta-city.org

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant Reece Parker, Breedlove Land Planning, Inc.

Address 15 Simpson St. NW, Atlanta, GA Zip Code: 30308

Telephone Number 770-483-1173 Email Address: rparker@landplanning.net

Address of property for which a variance or appeal is requested:

121 Winn St.

Date of Acquisition: 1938

Land Lot (s) 1220 District 16 Parcel 16122000020 Acreage 10.06 Zoned R4 Ward 3A FLU CSI

List the variance(s) or appeal requested (please attach any additional information):

Requesting a variance to City of Marietta zoning ordinance, Division 712.08.G.2 (regarding planted strip/border areas along public streets) for a project with frontage along the Cleburne Ave. and Polk St. R.O.W.

Required Information

1. Application fee (\$250)
2. Completed notarized application. **The original application must be submitted with ALL original signature(s) – Copies of the application or signature(s) will NOT be accepted.**
3. Legal description of property.
4. Letter describing the reason for the variance request, stating why strict adherence to the code would result in a particular hardship (as distinguished from a mere inconvenience or desire to make more money).
5. Site plan - 25 copies of site plan drawn to scale. Site plans must illustrate property lines and all relevant existing information and conditions in addition to proposed additions or modifications within the referenced property lines of the tract(s).
6. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.
7. Documentation authorizing applicant to submit application by property owners if applicant is not owner.

Note: The Department of Development Services reserves the right to obtain additional information that reasonably may be required in order that an informed decision may be made.

OVER



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

STAFF REVIEW

Variance Case #: V2014-48

Legistar #: 20141100

City Council Hearing: Wednesday, November 12, 2014 – 7:00 p.m.

Property Owner: Marietta City Schools
250 Howard Street
Marietta, GA 30060

Applicant: Reece Parker
Breedlove Land Planning, Inc.
15 Simpson Street, N.W.
Atlanta, GA 30308

Address: 121 Winn Street

Land Lot: 12200 **District:** 16 **Parcel:** 0020

Council Ward: 3A **Existing Zoning:** R-4 (Residential Single Family 4 units/acre)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to eliminate the planted border strip along Cleburne Avenue. [§712.08 (G.2)]
2. Variance to reduce the planted border strip along Polk Street. [§712.08 (G.2)]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.

2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



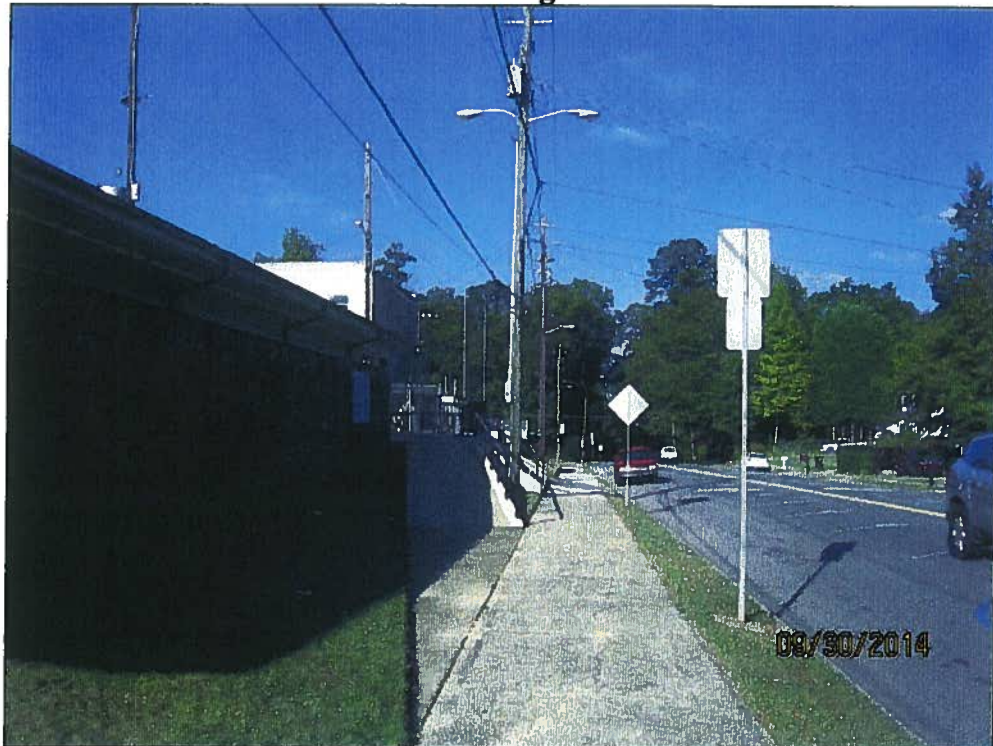
Cleburne Ave – looking north



Cleburne Ave – looking south



Polk Street frontage of stadium



Polk Street – looking west

Staff Review:

Reece Parker, applicant, is requesting variances for Marietta City Schools (MCS) as part of the renovation of Northcutt Stadium at 121 Winn Street. The subject property is zoned R-4 (Single Family Residential – 4 units/acre). Most of the surrounding properties are zoned either R-4 or R-3 (Single Family Residential – 3 units/acre) and contain single family detached residences. Typically schools are not considered a permitted use in a R-4 district; however, MCS considers itself exempt from zoning regulations.

The applicant is requesting variances pertaining to the landscaping along both Polk and Cleburne Streets. The tree ordinance requires a 10 foot wide planting strip, containing a 3" caliper overstory tree every 30 feet, along any public right-of-way. There is currently a historic wall running the length of Cleburne Avenue. The applicant's design for the stadium shows this wall being retained and used as part of the visitor's side of the field. The wall will prevent the provision of a 10 foot wide strip containing trees, as there is not enough space between the right-of-way and wall.

There has also been some concern about the bleachers extending into the Cleburne Street right-of-way. The site plan provided is not clear as to where the right-of-way line exists in relation to the wall and bleachers. Staff has asked the applicant to provide a revised plan showing a cross section of the bleachers and their relationship with the right-of-way. In addition, Public Works has the following comment:

- The plan submitted for the variance delineates the stadium bleachers over the Cleburne Avenue R.O.W. This is not allowable unless a R.O.W. swap or variance is approved by City Council.

Perpendicular access, such as driveways and sidewalks, are permitted through the 10 foot landscape strip. The landscape strip along Polk Street is being provided for most of the length of the stadium. However, the apron containing the sidewalk and ADA ramps gradually spreads out from the stadium to the street instead of being truly perpendicular. Historically staff has not permitted walkways, even for ADA access, to meander through the landscape strip.



Marietta
city schools

PZ 2014

Emily Lembeck, Ed.
Superintenda

September 11, 2014

Department of Development Services
Brian Binzer, AICP Director
205 Lawrence Street
Marietta, GA 30060

Please allow this correspondence to provide official documentation authorizing Mr. Reece Parker of Breedlove Land Planning, Inc. on behalf of Marietta City Schools to submit the attached Application for Variance or Appeal.

Thank you,

Danny B. Smith
Executive Director, Maintenance and Support



September 16, 2014

Brian Binzer, AICP, Director
Department of Development Services
205 Lawrence Street
Marietta, GA 30060

Mr. Binzer:

Breedlove Land Planning, Inc., on behalf of Marietta City Schools, requests a variance to Division 712.08.G.2 of the Comprehensive Development Code of the City of Marietta, for the Northcutt Stadium Renovations project (referred to as 'project') located at 121 Winn St. The project has frontage along Cleburne Ave and Polk St., which is required by ordinance to contain a ten foot wide continuous planted landscape border parallel to the road with one canopy tree planted for every thirty linear feet of frontage. The ordinance allows for perpendicular vehicular or pedestrian access through the landscape border.

A variance to the ordinance is requested for the reasons below:

Cleburne Avenue

The zoning ordinance requires the frontage along Cleburne Avenue to be modified in association with the project. We request to maintain the existing conditions along Cleburne, which consists of an approximately 3.5' wide landscape strip (with no trees) and a 7' wide sidewalk. In order to adhere to the ordinance, we would need to either demolish and remove the sidewalk, or demolish and rebuild the existing wall. Removing the sidewalk should be avoided because do so would eliminate pedestrian circulation on this section of Cleburne Ave. There is no sidewalk on the opposite side of the road and installing a new sidewalk there would require removing an excessive number of trees, which would defeat the intent of the landscape border requirement. Demolishing and rebuilding the existing wall to provide enough room to install the landscape border and sidewalk is undesirable due to the historic nature of the existing wall. Demolishing a section of wall will deteriorate a landmark that has gained visual, historic, and cultural significance to the community over the years. Lastly, if existing conditions are allowed to be preserved, we request to avoid planting trees in the 3.5 landscape strip. In our professional opinion, the strip is too narrow for trees to thrive. Trees planted in this narrow strip could become an ongoing, unsightly, and potentially hazardous maintenance issue that does not bring any value to the community.

Polk Street

The zoning ordinance requires the frontage along Polk Street to be modified in association with the project. This project will comply with the ordinance by including a 10' planted landscape border along Polk St. However, we request a variance to the ordinance's requirement for perpendicular access to the site, through the landscape border because a perpendicular configuration will not work with the ADA ramps. The project contains a grand staircase with angled ramps on either side that leads pedestrians from Polk St. to the stadium. The staircase and ramps cannot be entirely perpendicular. The large curved staircase is required to accommodate the large crowds football games (and other major events held on site) bring. Without the grand staircase, the crowd could overflow from the sidewalk and into the street, which is both a vehicular and pedestrian hazard. In addition, angled ramps have been included to provide handicap and code compliant ADA access to the main entrance of the stadium from the sidewalk. The elevations of existing conditions forced the ramps to be angled.

It is our opinion that if these variances are granted, the intent of the zoning ordinance will not be adversely affected, as the original wall will remain in place and will continue to provide attractive historic context along these portions Cleburne Avenue and Polk Street.

Please do not hesitate to contact our office should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Reece Parker". The signature is fluid and cursive, with the first name "Reece" and last name "Parker" clearly distinguishable.

Reece R. Parker, Principal, Breedlove Land Planning, Inc.

C: Danny B. Smith, Executive Director for Support, Marietta City Schools
David Tench, Gardner Spencer Smith Tench & Jarbeau, P.C.

PUBLIC NOTICE OF REZONINGS & VARIANCES

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following variance for a recommendation to the City Council at their meeting on **Wednesday, December 10, 2014, 7:00 p.m.**, City Hall, for a final decision to be made.

V2014-48 [VARIANCE] MARIETTA HIGH SCHOOL requests variances for property located in Land Lot 12200, District 16, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia and being known as 121 Winn Street, currently zoned R-4 (Single Family Residential 4 units/acre). Variance to eliminate the planted border strip along Cleburne Avenue; variance to reduce the planted border strip along Polk Street. Ward 3A.

A description and plat of the property sought for the rezoning and future land use assignment are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

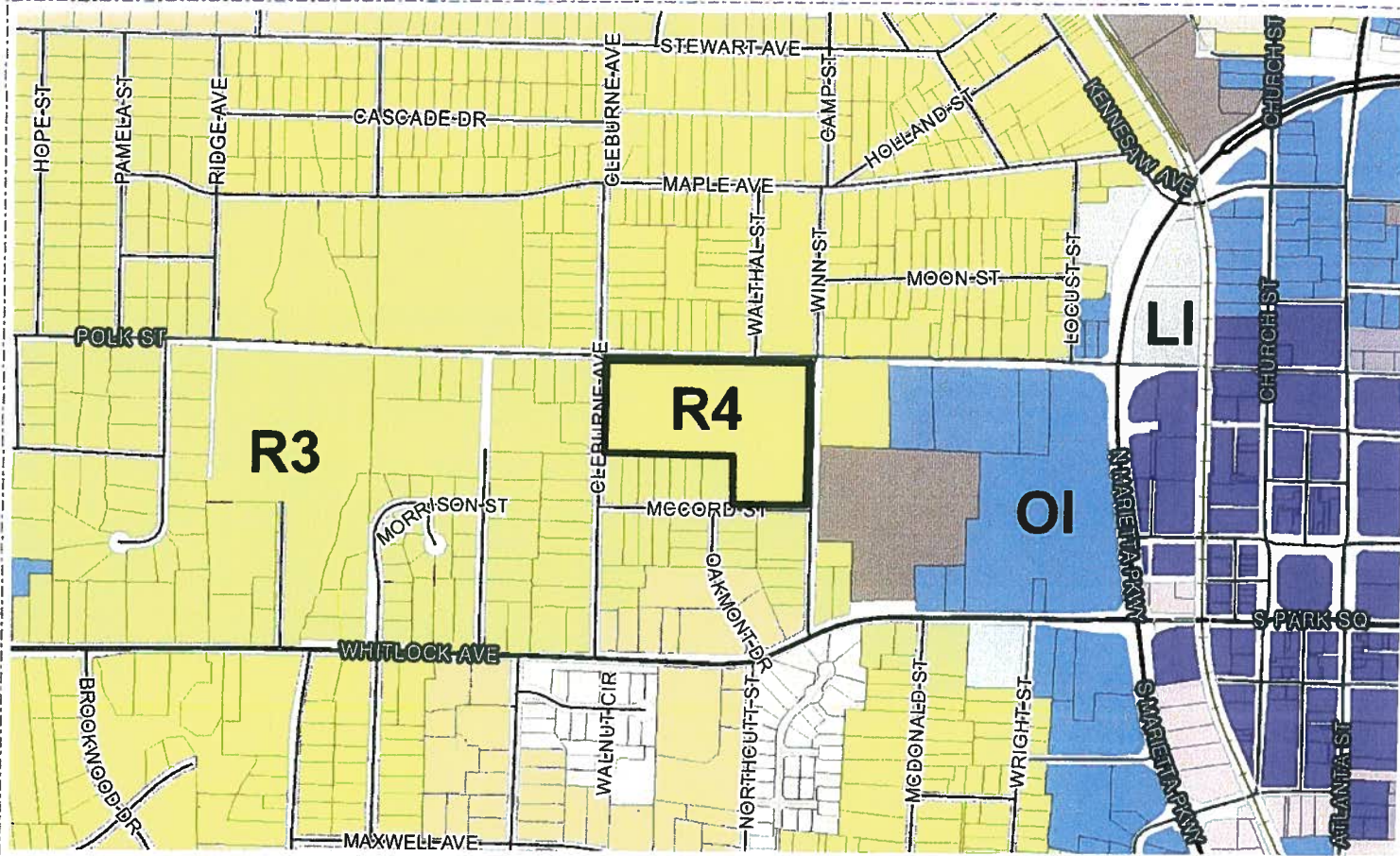
For additional information please call the Planning and Zoning Office (770) 794-5440.

Accessibility to Meetings: If you believe you may need the City/BLW to provide special accommodations in order to attend/or participate in any of the above meetings, please call Mr. Dennis Stover, ADA Coordinator, at 770-794-5568 (voice) or 770-794-5560 (TDD) no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060



Variance

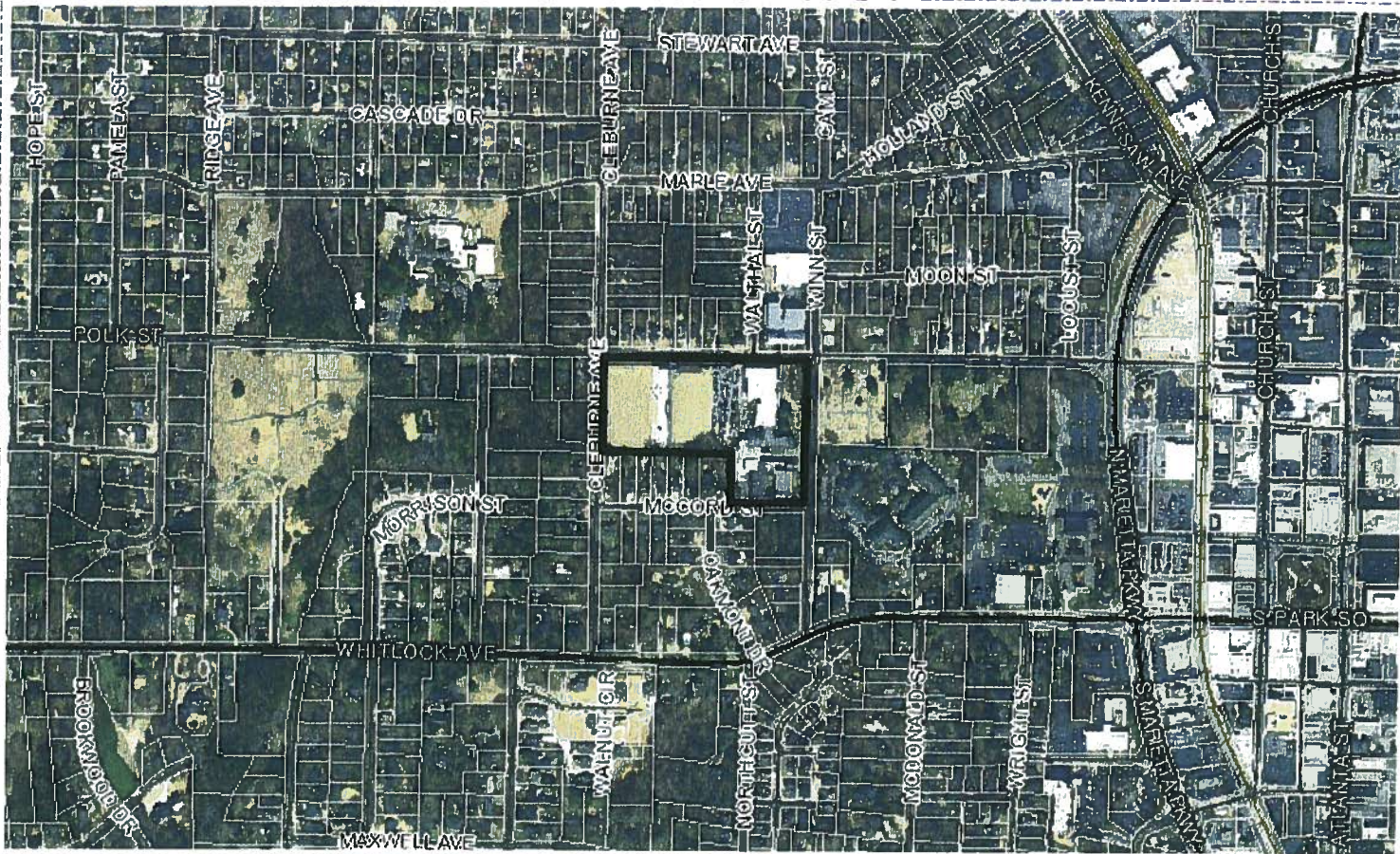


Address	Parcel Number	Acreage	Ward	Zoning	FLU
121 WINN ST	16122000020	10.344	3A	R4	CSI

Property Owner: Marietta City Schools		Zoning Symbols --- Railroads --- City Limits --- Cobb County Pockets NA R1 - Single Family Residential (1 unit/acre) R2 - Single Family Residential (2 units/acre) R3 - Single Family Residential (3 units/acre) R4 - Single Family Residential (4 units/acre) RA4 - Single Family Residential - Attached RA6 - Single Family Residential - Attached RA8 - Single Family Residential - Attached MHP - Mobile Home Park PRD-SF - Planned Residential Dev. Single Family RM8 - Multi Family Residential (8 units/acre) RM10 - Multi Family Residential (10 units/acre) RM12 - Multi Family Residential (12 units/acre) RHR - Residential High Rise PRD-MF - Planned Residential Dev Multi Family NRC - Neighborhood Retail Commercial CRC - Community Retail Commercial RRC - Regional Retail Commercial PCO - Planned Commercial Development LI - Light Industrial HI - Heavy Industrial PID - Planned Industrial Development MXD - Mixed Use Development CBD - Central Business District OIT - Office Institutional Transitional LRO - Low Rise Office OI - Office Institutional OS - Office Services OHR - Office High Rise
Applicant: Reece Parker, Breedlove Land Planning, Inc.		
City Council Hearing Date: 12/10/2014		
Acquisition Date:		
Case Number: V2014-48		
City of Marietta Planning & Zoning		






Aerial Map



Address	Parcel Number	Acreage	Ward	Zoning	FLU
121 WINN ST	16122000020	10.344	3A	R4	CSI
Property Owner: Marietta City Schools					
Applicant: Reece Parker, Breedlove Land Planning, Inc.					
City Council Hearing Date: 12/10/2014					
Planning Commission Hearing Date:					
BZA Hearing Date: Case Number: V2014-48					
Comments:					
City of Marietta Planning & Zoning					

Legend

-  Railroads
-  City Limits
-  Cobb County Pockets

Marietta
city schools

**MARIETTA
HIGH
SCHOOL**
Northcutt
Stadium
Improvements
Marietta, GA

Gardner
Spencer
Smith
Tench &
Jarbeau

A Professional Corporation
for the provision of professional services

127 Peachtree St., NE
Suite 1207
Atlanta, Georgia 30303
404.521.2118
www.gstj.com

13116

**SITE PLAN - EXISTING
CONDITIONS**



50' R/W
POLK STREET

EXISTING
FIELDHOUSE

EXISTING
PRACTICE/PLAY
FIELD

EXISTING
PARKING LOT

EXISTING
HOME
BLEACHERS

EXISTING
COMPETITION
FIELD

EXISTING
HISTORIC WALL

CLEBURNE AVENUE 50' R/W

EXISTING VISITOR'S
BLEACHERS

EXISTING
HISTORIC WALL

Marietta
city schools

**MARIETTA
HIGH
SCHOOL**
Northcutt
Stadium
Improvements
Marietta, GA

Gardner
Spencer
Smith &
Tench &
Jarbeau

A Professional Corporation
127 Peachtree St., N.E.
Suite 8020
Atlanta, Georgia 30303
(404) 522-1800
404.522.1811
www.gstarch.com

13118

PROPOSED
SITE PLAN

POLK STREET

50' R/W

GRAND
STAIRCASE

RAMP/STEPS

HANDICAP RAMP

EXISTING
PARKING LOT
TO REMAIN

RENOVATED
PLAYFIELD

RENOVATED SERVICE DRIVE

RENOVATED
COMPETITION
FIELD

NEW HOME
BLEACHERS

NEW VISITOR'S
BLEACHERS

EXISTING SIDEWALK AND LANDSCAPE
STRIP ALONG CLEBURNE TO REMAIN

CLEBURNE AVENUE 50' R/W



BREEDLOVE
LAND PLANNING

